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THE STATE OF THE Incorporated CONSTITUTION OF THE City of *DUBLIN.*

Addreſſed to the Free-Citizens thereof,
By a BROTHER.

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DUBLIN:
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THE

STATE

OF THE

Incorporated Conſtitution of the City of *Dublin*.

Fellow-Citizens,

THE Caſuiſts of the Bar have objected many moot Difficulties to us, with Reſpect to the Redreſs of any Evils, originally inherent, or that, in Courſe of Time, have ariſen or encreaſed in the Conſtitution of our City.

With ſuch Caſuiſts MANNER is MATTER, and Juſtice, Reaſon, and Truth ought to be precluded from Society, till previouſly introduced by their great Maſter of Ceremonies, the FORM OF LAW.

But, (their Pleaſure apart) as Government is inſtituted for the Good of Society, there muſt be a Power in all Governments ſufficient for attaining the Good propoſed; and if any Evil hath intruded into the original Frame, which frequently happens among human Legiſlators, who cannot foreſee the infinite Conſequences of Things; or, if any ſubſequent Evil, through Error or Deſign, hath ariſen therein, that *Evil* is evidently oppoſite to the *Good* intended by Government; if *original*, it ſhould be reformed; if *caſual*, it ſhould be exploded; and the Power, which was ſufficient to the firſt Inſtitution, muſt ſtill continue to be veſted in ſome Hands or other for rectifying the Miſtakes, diſcharging the Miſchiefs, and reſtoring the Lapſes that have happened therein.

The Queſtion then is not how, when, or by whom, any Evils have been introduced into the Conſtitution of our City? The Queſtion is, *Do ſuch Evils exiſt?* And, if this is once proved, the Anſwer ought to be, *They ſhall be aboliſhed.*

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The LEGISLATURE is a PHYSICIAN, in whoſe Hands are the Powers of healing all the Wounds, expelling the Maladies, and reſtoring the Damages of our POLITICAL Conſtitution.

We will then ſuppoſe that our *Body politic* addreſſes this *Phyſician*, and complains of ſome particular, and very grievous Diſtempers, with which it is affected. It may happen, from the Complexion and outward Habit of the Patient, that this *Phyſician* may at firſt conjecture that the Complaint is hypochondriacal, and the Diſtemper wholly imaginary; but if he finds, upon further Enquiry, that the Diſtemper is real, and of very pernicious Tendency; if he diſcovers, that ſome Parts of this *political Body* have uſurped and engroſſed to themſelves the vital Forces and Fluids that were originally intended, and neceſſary, for the Nouriſhment, Health, and Vigour of the Conſtitution in general; I aſk (and no Man can anſwer) what Motive, Perſuaſion, or Oppoſition, ought to withhold the ſaid *Phyſician* from inſtantly applying

applying a Remedy, as efficacious as poſſible, for ſo malignant a Diſeaſe.

An Anſwer, however, if ſuch it may be called, is ready, and provided, in Defence of the Miſchief.

An Apothecary ſtiled the Law, a Perſon perfectly learned in all the partial Compoſition and Exhibition of national Drugs, riſes up and interpoſes.

He obſerves, to this great and benevolent *Phyſician*, that the Diſtemper is admitted to be real and grievous, that it is indeed of pernicious Conſequence to the general Conſtitution, and that it is contrary to the original Appointment thereof; but that, if it cannot be preciſely ſet forth at what Time, and by what Means, this Diſtemper was introduced, the *Evil*, being *immemorial*, becomes conſequently *legal*, and ought not to be removed; foraſmuch as, by ancient Uſage, *right Reaſon* hath been conſigned to the Leading of *Precedent*, that *Truth and Juſtice* can alone be explained by *Preſcription*,

Preſcription, and that it is better to *deſtroy* than *ſave*, contrary to *Rule*.

This merry Pleading of our *Apothecary* will, we truſt, have little Weight with our BENEFICENT PHYSICIAN, whoſe Power ſtands wide of all Form and Preciſion, and to whoſe Skill, and whoſe Care, our Conſtitution is confided. It would be ſomewhat hard, indeed, if ſuch Caſuiſtry ſhould paſs current; that, becauſe an Evil hath taken Root and Inveteracy by *Time*, it ſhould therefore be ſuffered to increaſe to *Eternity*.

Whatever Buſtle may be made by Pleaders, with their Precedents, their Times and Preſcriptions, and ſo forth, in Reaſon and in Nature they can mean no more than thus; that where Queſtions are dubious, or when Caſes, that have Retroſpect, are brought into Diſquiſition, if nothing material ponderates either for or againſt, then Precedent or Preſcription ſhould be admitted to decide, foraſmuch as it is preſumed, where nothing appears to the contrary, that Matters of long Standing would not have ſo endured,

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without Reaſon and Truth for their Foundation or their Maintenance.

Further than this *Time* cannot interfere. It cannot alter or tranſpoſe Things *eternal* in their Nature. It can give Eſtabliſhment and Increaſe either to Right or to Wrong; but it cannot change their Qualities, it cannot poſſibly give either *Demerit* to Good, or *Sanction* to Evil.

In all Propriety and Equity, Time ought rather to be conſidered as a Matter of accumulated Accuſation againſt Evil-doers. Even, in Courts of modern Juſtice, if a Criminal is convicted of a Matter of recent Guilt, he will ſcarcely be acquitted upon a Plea of Preſcription, to wit, that he and his Predeceſſors had, Time immemorial, continued an uninterrupted Practice of the like Iniquities. The Dictates alſo of invariable Reaſon demonſtrate, that, where a Man can prove his Right to be clear and inconteſtable, the Award of Damages ought to riſe and encreaſe, in Proportion to the

the Length of Time that the ſaid Right was witholden.

Wherefore, the Articles incumbent upon us to prove, in order to obtain a Redreſs of our Grievances, are, in all Equity and good Reaſon, reduceable to two. Firſt, *That the Citizens of* Dublin *were once rightfully poſſeſſed of Benefits whereof they are now deprived.* Secondly, *That certain noted Perſons are now ſeized of thoſe Benefits for which they can produce no Title, ſave,* that which conſtitutes the Injury, *their wrongful Poſſeſſion or Uſurpation of the ſame.*

This brings us at once, without Forms or Windings, to the Merits of our Cauſe, and, without going further, this Demonſtration of lapſed Rights would amount to the Demand of undeniable Reſtitution.

But ſhould we yet be able to proceed, and to prove that the ſaid Uſurpation hath been attended by Meaſures that are equally unjuſt, and that thoſe, our ſelf-elected Rulers, have made an

illicit Uſe even of the lawful Authorities with which they were inveſted, no Equity, that hath the Power, can refuſe the Redreſs.

Should we ſtill be enabled to proceed, and to demonſtrate, that the Government of our City, if it may merit the Appellation, hath not its Parallel throughout the Dominions of the King of a free People; that it is a Monſter, unnatural, diſproportioned, and abſurd, as ever was conceived in the Brain of the moſt chimerical Politician; that it is therefore the Parent and Nouriſher of lawleſs Rioters and Vagabonds, of daily and nightly Uproars, Affrights, Maims, and Murders; that the Influence of theſe Miſchiefs extends beyond this Metropolis; and that their Malignity affects the moſt diſtant Parts of this Nation; if all this, I ſay, can, and all this, I think, may, be made out with fair, and clear, and full Evidence; though the Knot of A———n were ſo cloſe and complicated, that no End might be found whereby to unwind their Intricacies, there is yet a Sword in

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the Hand of our GRACIOUS LEGISLATURE ſufficient, at one Blow, for the deſirable Solution.

Having thus far premiſed, in order to clear away the Rubbiſh, which Law-Sophiſts and wordy Orators have thrown in the Road to our Redreſs. Before we enter, for the Purpoſe, on our Remonſtrance of the ſaid Evils, it will not be amiſs to deliberate on the Channel, through which that Remonſtrance will be moſt likely to paſs with Effect.

THE KING, God preſerve Him and His to us and our Poſterity! His Majeſty, I ſay, in his Dignity, and we, in our Depreſſion, are ſituated ſo remote, at the two Extremes of Government, that an immediate Acceſs to his Clemency may not be hoped. The Gulph between us, is wide, indeed, but not impaſſable. His national Council of *Ireland*, on whoſe Fidelity and Wiſdom his royal Confidence is juſtly repoſed, are the natural and clear Medium by which our Addreſs will be moſt ſafely conveyed to the Ear, and will moſt

happily claim the Attention of Majeſty.

It is a Circumſtance of pleaſing Preſage and ſucceſsful Expectation, that ſome Individuals, of that very Body of Men againſt whom we are compelled to prefer our Petitions, ſtand foremoſt to promote our Complaint and our Redreſs. The Probity of theſe Gentlemen perceives itſelf aggrieved by the Uſurpation with which they were involuntarily laden by their Predeceſſors; and their unprecedented Integrity on this ſingular Occaſion is, at once, an Illuſtration of the Juſtice of our Cauſe, the higheſt Praiſe to themſelves, and an Honour to human Nature.

If perſonal Invective or Defamation were needful for the Vindication of your Conduct, or the Aſſertion of your Cauſe, I were, of all Men, moſt unfit to engage in your Behalf. To ſome of the Board of Aldermen I am equally bound by Inclination and Gratitude; and, in Truth, there is not one of your civic Tyrants, againſt whom I have a

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ſingle Occaſion of Complaint, or to whom their beſt Friend wiſhes greater Proſperity, when conſidered independent of their political Uſurpations.

I cannot perſuade myſelf to cloſe this Paper, without congratulating you, my Fellow-Citizens and Fellow-Subjects, on that deliberate, yet warm and perſevering, Spirit of Liberty with which you have been animated during ſeveral late Years; a Spirit which now appears as common and neceſſary to you as the Air, a Kind of Element, which is become the very Breath of a free Citizen, and without which he can no longer be ſuppoſed to exiſt.

This, my Friends, hath happened, much contrary to the general Forebodings and Expectations. A ſudden Flaſh, they cried, it will quickly expire; a Squib of Violence that will vaniſh in Stink and Smoak. It was again charged to have been a Spirit of Faction and Sedition; a Spirit of dangerous Portent, and pregnant with ſuch Events, as might ſhock the Peace of the Nation.

Nation. Many ſtood amazed at the Commotions in your City, not conceiving that there could be a Cauſe for ſuch Diſcontent and Clamour; and many, who conceived there might be a Cauſe, yet knew not, nor yet know, wherein that Cauſe conſiſted. Even the wiſe and the virtuous, the Men who wiſhed beſt to the Reformation, as well as to the Quiet of our Conſtitution, thought the Government of your City full as worthily confided to the Hands of a few Seniors, (however unduely or injuriouſly they might come at it) as to the Hands of a divided and turbulent Multitude.

This general Error made greatly againſt us. The Apprehenſion that our Struggle was merely for Power, and that none, but the Wreſtlers were concerned in the Conteſt, was a Prejudice, ſo long as this Error remained, that ought to be invincible with all honeſt Minds; and I ſuſpect that it is ſtill a Prejudice with the Majority of our Rulers, with thoſe who, otherwiſe, would

would have the Inclination, as they have the Means, to redreſs us.

But, my Friends, we ſhall juſtify and approve to the World, that the whole Tenour of our Intentions, Attempts, and Proceedings, hath been as wide and as clear of the Windineſs of Faction, as of the Wildneſs of Ambition. Our Thirſt was not after Power among us, but after good Government over us; for well we know, that the Reins of Dominion never were, nor ever will be, equally held, or duly conducted, by the Hands of the People.

That the People, notwithſtanding, ſhould have a Voice, as they have an Intereſt, in the Election of their Rulers, or in the Inſtitution of the Laws by which they are to be ruled, this is not only held to be conſiſtent with Liberty, but a Criterion and inſeparable Aſſociate thereof. We acknowledge and avow that we wiſhed and endeavoured that our City might be reſtored to theſe the Rights of the Free-born; Rights, as we apprehend,

apprehend, that are natural and inherent to every Man that cometh into the World.

Beyond this we neither attempted, nor ever intended, to aſpire; and, if we deſired and petitioned, that Uſurpation might be withdrawn from the Seat of our City-Government, we therein only petitioned, that ſecret Factions, ſiniſter Jobbs, and tyrannic Obtruſions, might give Place to free Election, known Probity, and diſtinguiſhed Merit; and that ſuch alone might be entruſted with the Staff of Power and Office, who were beſt qualified, and beſt inclined, to ſerve their CITY, their COUNTRY, their KING, and their GOD.

Without further Preface, we ſhall proceed to the Point.

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[*To be continued.*]